

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

COPY

Deposition of:

STEPHEN H. KOLISON, JR.

Taken on behalf of the Plaintiff

August 9, 2007

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1 her, because she was already there, correct?

08:12 2 A. That's correct.

08:12 3 Q. And do you know whether or not her first job
4 was, I guess the phrase is, tenure-track? You know
5 what I'm talking about?

08:12 6 A. Based on the records in the department, the
7 answer is no.

08:12 8 Q. Okay. What is the difference between
9 tenure-track jobs and nontenure-track jobs?

08:13 10 A. Well, tenure-track position is generally for
11 faculty members who are hired to engage primarily
12 with teaching, teaching and working with students,
13 and so those jobs are tenure-track. It takes about
14 four to six years to gain tenure in those jobs.

08:13 15 Now, nontenure-track jobs are generally
16 designed to hire researchers whose job primarily is
17 to conduct research. They may have some teaching
18 responsibilities, but that's not the purpose for
19 which they were hired. They were hired to do
20 research, as far as faculty members are concerned.

08:14 21 Q. All right. Was Dr. Mmbaga on a tenure-track
22 job or nontenure-track job?

08:14 23 A. At Tennessee State, she has never been a
24 tenure-track.

08:14 25 Q. All right. Did she ever apply to get on a

1 tenure-track job?

08:14 2 A. Not to my knowledge.

08:14 3 Q. Was there ever a promotion system put in

4 place for research scientists such as Dr. Mmbaga at

5 the McMinnville facility, and, if so, when?

08:14 6 A. Prior to my arrival, there wasn't a promotion

7 system.

08:14 8 Q. There was not?

08:14 9 A. There wasn't.

08:14 10 Q. Okay.

08:14 11 A. And that was put in place in 2002.

08:14 12 Q. All right. By you?

08:14 13 A. That's correct.

08:15 14 Q. All right. And can you tell me a little bit

15 about what the promotion system entails? What does a

16 person have to do to get promoted?

08:15 17 A. Yeah. Basically, there are about nine to ten

18 variables that we look at to see how well you've done

19 along those lines. And those include publications;

20 they include -- and publications, there are two kinds

21 of publications, basically: there are those that are

22 peer review and refereed and put in place and

23 published in high-quality journals.

08:15 24 Q. I know what peer review is. What was the

25 other, referee?

08:15 1 A. Referee.

08:15 2 Q. What does that mean?

08:15 3 A. We use it sometimes interchangeably.

4 Basically, what it says is that the work that you

5 produce has been reviewed by a number of persons in

6 your discipline and it's put into, you know, a highly

7 recognized scientific journal.

08:16 8 Q. I'm just trying to figure out why the term

9 "referee" was used. As I know it, a referee is a

10 person that --

08:16 11 A. Yeah.

08:16 12 Q. -- engages in handling disputes or things

13 like that.

08:16 14 A. Well, referee, I think what -- I think where

15 that comes from, it has to do with somebody said this

16 is high-quality and somebody of authority said it's

17 high-quality. That's what it is, you know.

08:16 18 Q. Okay. And besides publications and the other

19 things you mentioned, are there any other things that

20 a person has to do to get promoted from a research

21 scientist to another position?

08:17 22 A. Yes. We look at -- I can just go over it.

23 We look at educational background; we look at

24 employment history; we look at presentations made at

25 the conferences; we look at presentations made at

1 seminars; we look at the peer-review publications and
2 scientific journals; we look at nonrefereed,
3 nonpeer-review type publications. Then we look at
4 the grants: How much funds have they attracted? We
5 then also look at teaching: Have you been engaged in
6 teaching at Tennessee State? Then we also then look
7 at service in terms of, are you engaged in
8 professional committees or societies, international
9 as well as national? Are you participating in
10 research team efforts? And then we also look at,
11 what are you -- have you been given a specific
12 administrative assignment which consumes about
13 25 percent of your time to see if that would cause
14 you to maybe not excel in some areas?

08:18 13 Q. All right. Did Dr. Mmbaga attempt to get a
14 promotion while you were employed in your position?

08:18 17 A. Yes.

08:18 18 Q. And what did she apply for? What did she
19 attempt to get promoted to?

08:19 20 A. Well, in 2002, she attempted to receive a
21 rank of research professor.

08:19 22 Q. All right. Would that be a tenure-track
23 position?

08:19 24 A. No. It's a research position.

08:19 25 Q. Okay. Did she have to go before a board and

1 be interviewed, or what did she have to do to get
2 that position?

08:19 3 A. All she had to do was fill out an application
4 and provide the information that was requested.

08:19 5 Q. All right. She did that?

08:19 6 A. She did that.

08:19 7 Q. And did she interview with anyone?

08:19 8 A. There's no interview involved.

08:19 9 Q. So just her paperwork or whatever she
10 completed was looked at, and a determination was made
11 at that point to see if she got the job; is that
12 correct?

08:19 13 A. Well, it's more than that; it's paperwork in
14 terms of very specific requirements.

08:20 15 Q. Okay. Now, did she get this first promotion
16 that she wanted?

08:20 17 A. She was not qualified.

08:20 18 Q. Okay. Do you remember what disqualified her?

08:20 19 A. At the time, there were nine variables:
20 educational background, years of experience,
21 presentation at conferences, presentation at
22 department seminars, peer review publications, no
23 refereed publications, extramural grantsmanship,
24 teaching, service, and team efforts. All applicants
25 had to meet eight of those, and all applicants had to

1 meet the extramural grantsmanship requirement as well
2 as the peer review requirement, journal publication
3 requirement.

08:21 4 Based on the results I received from the
5 reviewers, there were several requirements that she
6 did not meet.

08:21 7 Q. And what were they?

08:21 8 A. She did not meet the peer review/refereed
9 publication requirement. She did not meet the
10 extramural grantsmanship requirement. She also did
11 not meet the teaching requirement. And these were
12 all based on the review.

08:22 13 Q. Now, who was the ultimate decision-maker as
14 to whether she would or would not get this job?

08:22 15 A. The vice president of faculty and affairs.

08:22 16 Q. That was?

08:22 17 A. Dr. Augustus Bankhead.

08:22 18 Q. And what is your business relationship with
19 Dr. Augustus Bankhead? Do you -- does he report to
20 you?

08:22 21 A. Oh, no. He is my boss.

08:22 22 Q. He is your boss? Okay. And do you have any
23 particular influence on whether a person gets a
24 position such as this?

08:22 25 A. Not necessarily, only to the extent I make a

1 recommendation to the vice president.

08:22 2 Q. Did you ever recommend Dr. Mmbaga to be

3 promoted?

08:22 4 A. To full professor?

08:22 5 Q. Yes.

08:22 6 A. In 2002?

08:22 7 Q. Yes, the one we are talking about now.

08:22 8 A. No.

08:23 9 Q. Why not?

08:23 10 A. My decision was based on these results.

08:23 11 Q. Now, in your position -- and let me strike

12 that question.

08:23 13 Were you a dean? Was that your title?

08:23 14 A. My title as dean began in 2003.

08:23 15 Q. As well -- well, what would you be called?

16 Dean of what?

08:23 17 A. I was a dean -- the dean of the Institute Of

18 Agriculture and Environmental Research.

08:24 19 Q. And the acronym for that is IA --

08:24 20 A. -GER.

08:24 21 Q. Okay. Did you have the power to fire

22 Dr. Mmbaga or promote her or transfer her or demote

23 her? Was that within your power?

08:24 24 A. No, I don't have that kind of power. I wish

25 I did, but I don't.

08:24 1 Q. Do you have any influence with any persons
2 that do have that power?

08:24 3 A. Only to the extent that I only recommend.

08:24 4 Q. Okay. Is your recommendation usually
5 followed?

08:24 6 A. Not always.

08:24 7 Q. Can you remember the last time that your
8 recommendation was not followed?

08:25 9 A. I have to check.

08:25 10 Q. Did Dr. Mmbaga obtain her necessary share of
11 grants?

08:25 12 A. That's -- what do you mean by "necessary
13 share of grants"?

08:25 14 Q. Well, what I understand is, each research
15 professor such as Dr. Mmbaga is supposed to obtain
16 grants. That's part of their job description. Is
17 that correct?

08:25 18 A. Yes, we expect that they obtain grants.
19 There is an expectation.

08:25 20 Q. And did she meet those expectations?

08:25 21 A. Based on these requirements, she did not.

08:25 22 Q. Did not. Do you know what she was lacking,
23 how much she was lacking?

08:26 24 A. On the grantsmanship requirement, it is
25 stated that extramural grants covering at least 25

1 percent of the scientist's salary in enabling,
2 strengthening, and expansion of the research in the
3 direction consistent with the department of research
4 goal for a period of no less than three years. These
5 include the hiring of full-time post-doc associates,
6 research associates, and research assistants.

08:26 7 I believe based on the result, Dr. Mmbaga did
8 not have sufficient money to cover her salary at 25
9 percent.

08:26 10 Q. What person would be the custodian of the
11 records that would indicate that she did not meet her
12 expectations with respect to grants?

08:26 13 A. She would be a custodian of that primarily,
14 one; two, there are records in the department; three,
15 there are records in the vice president for research;
16 then there are also records and grants in accounting
17 that would say, you know, you cover 10 percent of
18 your salary this year or you cover 10 percent of your
19 salary last year. So it's public information.

08:27 20 Q. Now, when she was working at McMinnville,
21 Tennessee, she was a research professor? Is that
22 correct? Or assistant? Or how would you describe
23 it?

08:27 24 A. You mean her title before the --

08:27 25 Q. At the time she was working in McMinnville.

08:27 1 MR. AKRAWI: She has had several titles
2 during her tenure at McMinnville. Can you specify
3 which time period you're --

08:27 4 BY MR. HARRIS:

08:27 5 Q. Well, let's -- I guess it's kind of
6 difficult, but what was the first position that you
7 remember she held?

08:28 8 A. Okay. That's fair. When I found her, she
9 was an associate investigator, which was a staff, a
10 research staff position.

08:28 11 Q. And do you remember what time frame that was?

08:28 12 A. That was what she was hired at. And I
13 arrived in 1998. We changed the titles, and the
14 initial change in the titles occurred in 2002.

08:28 15 Q. All right. So what was her next job title?

08:28 16 A. She by default became a research assistant
17 professor sometime around June, July of 2002.

08:28 18 Q. Okay. And did she -- did she get another
19 position after that? Does she remain that until
20 today?

08:28 21 A. Oh, no.

08:28 22 Q. What other positions did she get?

08:29 23 A. In January, she became -- January 2003, she
24 became an associate professor, a research associate
25 professor, in January, retroactive to October 2002.

08:29 1 Q. All right.

08:29 2 A. And then in October 19- -- no, in October

3 2006, I believe, she became a full research

4 professor. That is the highest rank.

08:29 5 Q. Is that a tenure-track job?

08:29 6 A. No. These are all research-track positions.

08:29 7 Q. All right. How many full research professors

8 worked with Dr. Mmbaga at McMinnville, Tennessee?

08:29 9 A. Currently, in McMinnville, she is the only

10 full research professor.

08:29 11 Q. All right. How many other people work with

12 her at that site?

08:29 13 A. There is -- as far as Tennessee State is

14 concerned and as far as our faculty members are

15 concerned, there are two research assistant

16 professors in McMinnville.

08:30 17 Q. Okay. Do you remember their names?

08:30 18 A. Dr. Jason Oliver.

08:30 19 Q. Okay.

08:30 20 A. And Dr. Samuel Ochieng.

08:30 21 Q. Can you spell that?

08:30 22 A. O-C-H-I-E-N-G.

08:30 23 Q. Okay. Have either of these two individuals,

24 Oliver or Ochieng, been promoted since their -- since

25 they have been at McMinnville?

08:38 1 A. I'm not sure, but I believe she must have
2 been a research associate.

08:38 3 Q. And you're absolutely sure that she never
4 filed any complaint against you?

08:38 5 MR. AKRAWI: He said he wasn't aware of
6 any.

08:38 7 THE WITNESS: Not to my knowledge.

08:38 8 BY MR. HARRIS:

08:38 9 Q. And do you know Mario Keri?

08:38 10 A. Mario Keri?

08:38 11 Q. Yes.

08:38 12 A. Was an employee in the IAGER.

08:38 13 Q. Okay. At McMinnville?

08:38 14 A. That's correct.

08:38 15 Q. And was there a difference of opinion between
16 you and Dr. Mmbaga as to whether this person should
17 have been hired?

08:39 18 A. Well, there are a couple of stages here. I
19 didn't know Dr. Keri. Dr. Keri was in Canada.
20 Dr. Mmbaga on her own invited Keri from Canada to
21 come and join her staff. So I wasn't involved in
22 that. She made the decision. I did not approve it.

08:39 23 Q. You're saying Dr. Mmbaga contacted him to
24 come down here to work for her?

08:39 25 A. Yes, from Canada.

08:39 1 Q. So whose decision was it to hire Mario Keri,
2 hers or yours?

08:39 3 A. His first hiring at Tennessee State was
4 Dr. Mmbaga's decision. She made the appointment
5 recommendation and gave it to her supervisor,
6 Dr. Nick Gawel, and Dr. Nick Gawel forwarded it to my
7 office in Nashville, and I approved it. I was not
8 involved in any discussions.

08:40 9 Q. Did Mario Keri stop working for a while and
10 then come back to work for Dr. Mmbaga?

08:40 11 A. No.

08:40 12 Q. Did Dr. Mmbaga ever complain to you about the
13 decision to hire Mario Keri, or are you just saying
14 that it was her decision and not yours?

08:40 15 A. When she brought him from Canada, I was
16 not -- she didn't consult me for bringing him. That
17 was her decision.

08:40 18 Q. Now, were you interviewed by anyone at the
19 EEOC regarding Dr. Mmbaga's complaints?

08:40 20 A. I was asked to submit -- by the way, which
21 complaints?

08:41 22 Q. Well, let's start with their in-house EEO
23 office for TSU.

08:41 24 A. Okay. Which complaints?

08:41 25 Q. Just the one with Dr. Mmbaga.

08:42 1 A. All my interviews so far have been on the
2 campus with the director of the EEO.

08:42 3 Q. All right. Were there any changes made
4 concerning work contracts after Dr. Mmbaga complained
5 to the EEOC either time?

08:42 6 A. You mean changes like?

08:42 7 Q. Well, terms and conditions of employment.
8 For example, training. Was there a time when
9 Dr. Mmbaga wanted to do training and she was denied
10 that right?

08:43 11 A. Not that I recall.

08:43 12 Q. Do you know Sam Koma, K-O-M-A?

08:43 13 A. K-O-M-A?

08:43 14 Q. Yes.

08:43 15 A. I know a C-O-R-M-E-R.

08:43 16 Q. Well, maybe that's it. What's your workplace
17 relationship with that person?

08:43 18 A. He used to work in the institute.

08:43 19 Q. And what was his position?

08:43 20 A. He was -- actually, he was -- he was probably
21 25 percent a researcher. He is a tenure-track
22 faculty member, so technically he's not my employee,
23 but he had an appointment in the institute.

08:44 24 Q. Did he work with Dr. Mmbaga?

08:44 25 A. Mr. Cormer?

1 understanding, that she issued him a letter of
2 termination, and we have given him another job. He
3 is now working for another scientist.

08:47 4 Q. Okay. So did she say why she wanted to get
5 rid of him?

08:47 6 A. Dr. Gawel has the details. The only thing I
7 know is that -- I mean, I was called and I was told
8 that he had his letter where Mmbaga indicated to him
9 that effective August 1, she no longer wanted for him
10 to work. So he applied for another job, and we
11 approved his application.

08:47 12 Q. All right. Does Dr. Roger Sauve have student
13 assistants working with him?

08:48 14 A. I believe so. I can check the record. I'm
15 not going to try to guess here.

08:48 16 Q. Well, assuming he did, who would make the
17 decision as to what hourly rate of pay they would
18 have?

08:48 19 A. Oh, the university has the figures. They are
20 figures that says the -- this is how much he paid for
21 this position, this is how much he paid for this
22 position, and that's how we go about it.

08:48 23 Q. Do you have any input on what hourly rate
24 they're paid?

08:48 25 A. Not really, only to the extent that I can

1 advise the university that, you know, we need to pay
2 more in order to attract more people. I can do that,
3 but it's not a binding that they have to listen to
4 what I have to say.

08:48 5 Q. Is Dr. Mmbaga now on tenure-track?

08:48 6 A. No.

08:48 7 Q. Now, was there a time that you and Dr. Mmbaga
8 had a personal relationship such as a sexual
9 relationship?

08:49 10 A. No.

08:49 11 Q. You never had sex with her at all?

08:49 12 A. I never had sex with Dr. Mmbaga.

08:49 13 Q. Okay. Did you ever have a date with her?

08:49 14 A. I never had a date with her.

08:49 15 What do you mean, a date?

08:49 16 Q. Well, going out to dinner in public that
17 would be a nonbusiness type of thing.

08:49 18 A. Well, when we go to meetings, all faculty
19 members, sometimes we all go out to eat together. I
20 won't call that a date, because it involves a number
21 of people.

08:49 22 Q. Did you ever tell Dr. Mmbaga or imply to her
23 that a sexual relationship would be good for her job
24 prospects?

08:50 25 A. I would never do that to anyone.

08:57 1 A. Oh, I don't know. But at least it will be
2 more than 100 people.

08:57 3 Q. And Dr. Mmbaga's interview with the EEO
4 office for Tennessee State University says that you
5 had sexual intercourse at that -- during that time.
6 You deny that?

08:57 7 A. That's what she alleged.

08:57 8 Q. All right. So you deny it?

08:57 9 A. I do.

08:58 10 Q. Did you ever talk to Dr. Mmbaga about
11 attending a leadership institute that she wanted to
12 attend?

08:58 13 A. Dr. Mmbaga approached me about trying to
14 advise her. She indicated her desire to become an
15 administrator, and she wanted to see if there was any
16 training I could provide her, you know, working with
17 me directly or, you know, recommending her or
18 something. And I mentioned to her, "There are
19 several programs that you can go to to enhance your
20 leadership skills, but I would have to look into
21 those and then get back with you. At the same time,
22 I would have to speak to your supervisor before I
23 could do anything."

08:58 24 Q. That would be --

08:58 25 A. Dr. Gawel.

08:58 1 Q. Did you ever speak with Dr. Gawel about it?

08:58 2 A. She was opposed to me speaking to Dr. Gawel.

3 And I told her I would not do it unless I spoke to

4 Dr. Gawel. And I wrote Dr. Gawel a memo to let

5 Dr. Gawel know she made this request.

08:59 6 Q. Did you know why she didn't want you to speak

7 with him?

08:59 8 A. She wanted to keep it -- she just didn't want

9 him to know. She felt that maybe he would become

10 jealous if she is getting leadership training and he

11 is not getting one. But I told her I couldn't do

12 that.

08:59 13 Q. If she says that it took you two years to

14 process the paperwork for her having a -- or going to

15 a leadership institute, do you disagree with that?

08:59 16 A. I disagree with that to the extent that those

17 institutes do not just get scheduled. There are time

18 frames we have scheduled, and there are certain

19 things that have to be done before you can go in the

20 class. You have to apply. Sometimes people apply

21 two years earlier, and sometimes people apply a year.

22 And so it was all a process issue. It was not that I

23 deliberately -- once Dr. Gawel approved, it was okay,

24 and he said that it would be an opportunity for some

25 other faculty members, then I had to go ahead and

1 then investigate when would be the next class. And
2 so when there was the next class, then I did nominate
3 her as another staff member.

09:00 4 Q. When did she -- or did she finally get the
5 opportunity to go to the leadership institute?

09:00 6 A. Oh, she did, she along with another staff
7 member.

09:00 8 Q. And what year was that?

09:00 9 A. I have to check, but I know she did complete.

09:01 10 Q. Was it in 2002?

09:01 11 A. I'm not sure. I have to look at my records.

09:01 12 Q. All right. Please go ahead and take a look
13 at that.

09:01 14 A. Let me see if they're in here.

09:02 15 She graduated from the training in March 5th,
16 2003.

09:02 17 Q. 2003?

09:02 18 A. Yeah.

09:02 19 Q. Do you remember attending a meeting in
20 February 2002 in Arlington, Virginia?

09:02 21 A. I believe I did.

09:02 22 Q. And was Dr. Mmbaga also at that meeting?

09:02 23 A. Yes, she was.

09:02 24 Q. Did you have sexual intercourse with her at
25 that time?

09:02 1 A. Certainly not.

09:02 2 Q. And in the spring of 2002, did you ever
3 encourage Dr. Mmbaga to apply for a position based in
4 Nashville?

09:03 5 A. Spring of 200- --

09:03 6 Q. -2.

09:03 7 A. Okay. In the spring of 2002, I believe we
8 had a position for team coordinator and -- principal
9 investigator and team coordinator of the
10 environmental protection enhancement research team.
11 It was advertised widely, and Dr. Mmbaga approached
12 me about the position, whether it would be
13 appropriate for her to apply for the position. And I
14 told her, "There's nothing wrong with you applying
15 for the position. I don't think you are trying to
16 defect from the institute or from McMinnville. It's
17 fine for you to apply. You can apply. Your
18 application will be accepted and reviewed."

09:04 19 Q. Did you ever tell her that she would have to
20 be available after hours and weekends, whenever you
21 needed her?

09:04 22 A. No. Let me say this: All researchers, all
23 researchers, including myself, we do not have an
24 8-to-4 job; we have a seven-day job, more or less.

09:04 25 Q. You have not -- well, you are required to be

1 on the clock, say, from 8 to 4:30, I assume, and then
2 anything after that is up to you?

09:05 3 A. Is up to you. You are not required, but
4 realistically --

09:05 5 Q. Okay. Do you remember going to a meeting in
6 March of 2003 where Dr. Mmbaga was present?

09:05 7 A. March of 2003?

09:05 8 Q. Yes.

09:05 9 A. March of 2003, I believe this was the meeting
10 for the conclusion of their training.

09:05 11 Q. Leadership training?

09:05 12 A. The leadership training. And I was invited
13 to be present at the commencement.

09:05 14 Q. All right. So you were present at that
15 meeting with -- where she was present?

09:05 16 A. Not the entire time.

09:05 17 Q. Okay.

09:06 18 A. I was there only one day.

09:06 19 Q. Is it true that -- and I don't know how you
20 say the acronym; it's IAGER -- employees cannot go to
21 sponsored research without your permission? Is that
22 correct?

09:06 23 A. That's not totally accurate, because it does
24 not provide the context.

09:06 25 Q. Well, can you clarify that for me?

09:06 1 A. Okay. My faculty was going to sponsor
2 research and requesting financial assistance to do
3 international travel, Dr. Enefiok Ekanem, Dr. Mmbaga,
4 and some of the faculty members.

09:07 5 Dr. Mmbaga, I wrote a letter to support her
6 application to get funding. And I think that's part
7 of the record. Dr. Ekanem also. Then there were a
8 couple of other faculty members -- Dr. Safdar
9 Muhammad and Dr. Dushaja -- they went looking for the
10 same kind of money to travel to a foreign country,
11 and they were told that there was insufficient funds
12 to support their travel. So they were very upset,
13 that how come certain people get these funds and we
14 don't have these funds here? So I had to find a
15 solution to the problem.

09:07 16 And I told everybody, "Okay, in order to make
17 sure that this is done in a fair manner, if you wish
18 to seek it from the office of sponsored research,
19 please send it to my office, and if I agree with the
20 premise and I don't have money to support it, then I
21 will write a letter to sponsored research and say, 'I
22 don't have money to support this. Can you provide
23 the request?' But if I do have funds to do it, then
24 I will provide the funds for you to do that."

09:08 25 That was all that was about.

09:08 1 Q. All right. After Dr. Mmbaga filed her
2 complaint for either sexual harassment or the
3 retaliation, did you ever make a statement to Bob
4 Harrison that there would be no more promotions since
5 you had to deal with this complaint?

09:08 6 A. That's not correct. I have read that in the
7 book, in the complaint, where it is alleged that I
8 told Dr. Harrison in June of 2004 that it would be no
9 promotions. On the contrary, there were promotions.
10 I did accept applications for promotion.

09:09 11 Q. All right. Was Dr. Mmbaga one of those?

09:09 12 A. I accepted an application from Dr. Mmbaga in
13 2004.

09:09 14 Q. Okay. So if I asked -- well, first of all,
15 who is Bob Harrison?

09:09 16 A. Bob Harrison is -- was a faculty member in
17 the institute, and I think explanations -- in reading
18 explanation at the end, they described the
19 relationship between Dr. Harrison and myself in
20 detail in that document.

09:09 21 Q. Was he a faculty member?

09:09 22 A. He was a faculty member that I -- that was
23 employed before I got to the institute.

09:09 24 Q. So if I took his deposition and he said that
25 you told him that there would be no more promotions

1 after Dr. Mmbaga filed her complaint, would you
2 disagree with his testimony?

09:10 3 A. It would be totally false.

09:10 4 Q. Okay. Did you ever make a statement to
5 Dr. Roger Sauve -- and that's spelled S-A-U-V-E --
6 that he had made a big mistake by influencing
7 Dr. Mmbaga to file a sexual harassment complaint
8 against you?

09:10 9 A. I don't -- I don't even know that Dr. Sauve
10 had a knowledge or collaboration with her filing a
11 sexual harassment. I don't even have that
12 information.

09:11 13 Q. Dr. Mmbaga, what do you think, if you know,
14 what is Dr. Mmbaga's motive for bringing in lawsuit
15 against you?

09:11 16 A. You know, we could be here for the rest of
17 the month, but I'll tell you this, very simple: You
18 are dealing with an individual who is not happy.

09:11 19 MR. AKRAWI: Well, I'm going to object
20 to that question. I think only Dr. Mmbaga knows her
21 own motives.

09:11 22 MR. HARRIS: Well, the objection is
23 noted.

09:11 24 BY MR. HARRIS:

09:11 25 Q. But what is your -- I think I'm entitled to

09:16 1 Q. And can she on her own become a part of a
2 committee, or does she have to be appointed to that
3 committee?

09:17 4 A. The dean has the discretion of appointing
5 people to the committees.

09:17 6 Q. And that's your discretion as dean?

09:17 7 A. That's correct.

09:17 8 Q. And did you appoint her to any committees?

09:17 9 A. Since 2005, I have appointed her to a
10 committee. I think I have stated that in the record
11 somewhere.

09:17 12 Q. That you have not?

09:17 13 A. I have appointed her to a committee since
14 2000.

09:17 15 Q. Which one was that?

09:17 16 A. On the safety committee, the department of
17 safety committee.

09:17 18 Q. Okay. What about before that? Had you
19 appointed her to any committees?

09:17 20 A. Before when?

09:17 21 Q. Before January 2005, when you say you
22 appointed her.

09:17 23 A. I did not appoint her in January 2005 when I
24 reconstituted the committees.

09:17 25 Q. All right. At any time have you ever

1 hoc committees do a certain amount of work, and then
2 they die off. They're not long-term committees. I
3 appointed her to the retreat committee, which is an
4 ad hoc committee. Once the retreat is over, the
5 committee is dead.

09:19 6 Q. Was this before her complaint about you?

09:19 7 A. This was before her complaint.

09:19 8 Q. What about after her complaint? Have you
9 appointed her to any committees?

09:19 10 A. Yes, I have. I appointed her to the safety
11 committee.

09:19 12 Q. And when was that?

09:20 13 A. That was -- I'm just trying to be very exact.
14 I don't want to guess here.

09:20 15 Q. Sure.

09:21 16 A. Just bear with me.

09:21 17 Okay. In January 2006, Dr. Mmbaga was
18 appointed to the safety committee in the institute,
19 which is a very critical committee. It allows us to
20 meet our compliance with OSHA rules, and things that
21 we don't do, it will cost a lot of money.

09:21 22 Q. All right. Did you ever tell Dr. Mmbaga that
23 you would only appoint people to committees who are
24 enthusiastic? To her personally, did you say that?

09:22 25 A. Let me -- there's a letter that I wrote to

1 her, that I believe I did submit that letter. And I
2 will try to go through that.

09:22 3 We did not speak. She sent me an email. She
4 wanted to know why I omitted her to -- omitted
5 appointing her to committee. And I explained to her
6 that I was willing to appoint her to committee, but
7 lately she appeared not very enthusiastic about what
8 is going on in the department. And I also reminded
9 her that she was voted off the seminar committee by
10 her own colleagues for lack of participation.

09:22 11 So what I needed for her was for her to show
12 me that, you know, "'I'm interested in serving,' and
13 then I'll find a committee and appoint you." And she
14 did not respond to me after that.

09:23 15 Q. All right. Dr. Mmbaga says that made it very
16 difficult for her to hire assistants for her grant.
17 Do you know what she is talking about there?

09:23 18 A. I don't know what she means that I made it
19 difficult.

09:24 20 Q. Did you require Dr. Mmbaga to advertise where
21 she contacted other universities for -- well, strike
22 that question.

09:24 23 Okay. Dr. Mmbaga, is there anything that you
24 feel like you want to change about your testimony?

09:25 25 MR. AKRAWI: It's Dr. Kolison. I